

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Government Code
Chapter 521
9/8/22

1 CHAPTER 521. GENERAL PROVISIONS
2 Sec. 521.0001. DEFINITIONS 1
3 Sec. 521.0002. REFERENCES IN LAW MEANING COMMISSION OR
4 COMMISSION DIVISION 3
5 Sec. 521.0003. REFERENCES IN LAW MEANING EXECUTIVE
6 COMMISSIONER, EXECUTIVE
7 COMMISSIONER'S DESIGNEE, OR DIVISION
8 DIRECTOR 7
9 Sec. 521.0004. REFERENCES IN LAW TO PROVISIONS DERIVED
10 FROM FORMER CHAPTER 531 10
11 CHAPTER 521. GENERAL PROVISIONS

12 Revised Law

13 Sec. 521.0001. DEFINITIONS. In this subtitle:
14 (1) "Child health plan program" means the programs
15 established under Chapters 62 and 63, Health and Safety Code.
16 (2) "Commission" means the Health and Human Services
17 Commission.
18 (3) "Executive commissioner" means the executive
19 commissioner of the commission.
20 (4) "Executive council" means the council established
21 under Section ____ [[[Section 531.0051]]].
22 (5) "Health and human services agencies" includes the
23 Department of State Health Services.
24 (6) "Health and human services system" means the
25 system for providing or otherwise administering health and human
26 services in this state by the commission, including through:
27 (A) an office or division of the commission; or

1 (B) another entity under the administrative and
2 operational control of the executive commissioner.

3 (7) "Medicaid" means the medical assistance program
4 established under Chapter 32, Human Resources Code.

5 (8) "Medicaid managed care organization" means a
6 managed care organization as defined by Section ____ [[Section
7 533.001]] that contracts with the commission under Chapter _____
8 [[Chapter 533]] to provide health care services to Medicaid
9 recipients.

10 (9) "Section 1915(c) waiver program" means a federally
11 funded state Medicaid program authorized under Section 1915(c) of
12 the Social Security Act (42 U.S.C. Section 1396n(c)). (Gov. Code,
13 Secs. 531.001(1-a), (2), (3), (3-a), (4), (4-b), (4-c), (6); New.)

14 Source Law

15 Sec. 531.001. DEFINITIONS. In this subtitle:

16 (1-a) "Child health plan program" means
17 the child health plan program established under
18 Chapters 62 and 63, Health and Safety Code.

19 (2) "Commission" means the Health and
20 Human Services Commission.

21 (3) "Executive commissioner" means the
22 executive commissioner of the Health and Human
23 Services Commission.

24 (3-a) "Health and human services system"
25 means the system for providing or otherwise
26 administering health and human services in this state
27 by the commission, including through an office or
28 division of the commission or through another entity
29 under the administrative and operational control of
30 the executive commissioner.

31 (4) "Health and human services agencies"
32 includes the:

33 (A) Department of Aging and
34 Disability Services;

35 (B) Department of State Health
36 Services; and

37 (C) Department of Assistive and
38 Rehabilitative Services.

39 (4-b) "Medicaid" means the medical
40 assistance program established under Chapter 32, Human
41 Resources Code.

42 (4-c) "Medicaid managed care
43 organization" means a managed care organization as
44 defined by Section 533.001 that contracts with the
45 commission under Chapter 533 to provide health care
46 services to Medicaid recipients.

47 (6) "Section 1915(c) waiver program" means
48 a federally funded program of the state under Medicaid
49 that is authorized under Section 1915(c) of the
50 federal Social Security Act (42 U.S.C. Section

1 1396n(c)).

2 Revisor's Note

3 (1) The definition of "executive council" is
4 added to the revised law for drafting convenience and
5 to eliminate frequent, unnecessary repetition of the
6 substance of the definition throughout Subtitle I,
7 Title 4, Government Code, which includes this chapter.

8 (2) Section 531.001(4), Government Code,
9 provides that "[h]ealth and human services agencies"
10 includes the "Department of Aging and Disability
11 Services" and the "Department of Assistive and
12 Rehabilitative Services." The Department of Aging and
13 Disability Services was abolished September 1, 2017,
14 in accordance with Section 531.0202(b), Government
15 Code, which is executed law that expires September 1,
16 2023. The Department of Assistive and Rehabilitative
17 Services was abolished September 1, 2016, in
18 accordance with Section 531.0202(a), Government Code,
19 which is also executed law that expires September 1,
20 2023. Because those agencies have been abolished, the
21 revised law omits the quoted references as obsolete.

22 Revised Law

23 Sec. 521.0002. REFERENCES IN LAW MEANING COMMISSION OR
24 COMMISSION DIVISION. (a) This section applies notwithstanding
25 Section 521.0001(5).

26 (b) A reference in any law to any of the following state
27 agencies or entities in relation to a function transferred to the
28 commission under Section 531.0201, 531.02011, or 531.02012, as
29 those sections existed immediately before their expiration on
30 September 1, 2023, means the commission or the division of the
31 commission performing the function previously performed by the
32 state agency or entity before the transfer, as appropriate:

33 (1) health and human services agency;

34 (2) the Department of State Health Services;

- 1 (3) the Department of Aging and Disability Services;
2 (4) subject to Chapter 316 (H.B. 5), Acts of the 85th
3 Legislature, Regular Session, 2017, the Department of Family and
4 Protective Services; or
5 (5) the Department of Assistive and Rehabilitative
6 Services.

7 (c) Notwithstanding any other law, a reference in any law to
8 any of the following state agencies or entities in relation to a
9 function transferred to the commission under Section 531.0201,
10 531.02011, or 531.02012, as those sections existed immediately
11 before their expiration on September 1, 2023, from the state agency
12 that assumed the relevant function in accordance with Chapter 198
13 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003,
14 means the commission or the division of the commission performing
15 the function previously performed by the agency that assumed the
16 function before the transfer, as appropriate:

- 17 (1) the Texas Department on Aging;
18 (2) the Texas Commission on Alcohol and Drug Abuse;
19 (3) the Texas Commission for the Blind;
20 (4) the Texas Commission for the Deaf and Hard of
21 Hearing;
22 (5) the Texas Department of Health;
23 (6) the Texas Department of Human Services;
24 (7) the Texas Department of Mental Health and Mental
25 Retardation;
26 (8) the Texas Rehabilitation Commission;
27 (9) the Texas Health Care Information Council; or
28 (10) the Interagency Council on Early Childhood
29 Intervention.

30 (d) Notwithstanding any other law and subject to Chapter 316
31 (H.B. 5), Acts of the 85th Legislature, Regular Session, 2017, a
32 reference in any law to the Department of Protective and Regulatory
33 Services in relation to a function transferred under Section
34 531.0201, 531.02011, or 531.02012, as those sections existed

1 immediately before their expiration on September 1, 2023, from the
2 Department of Family and Protective Services means the commission
3 or the division of the commission performing the function
4 previously performed by the Department of Family and Protective
5 Services before the transfer. (Gov. Code, Sec. 531.0011.)

6 Source Law

7 Sec. 531.0011. REFERENCES IN LAW MEANING
8 COMMISSION OR APPROPRIATE DIVISION. (a) In this code
9 or in any other law, a reference to any of the
10 following state agencies or entities in relation to a
11 function transferred to the commission under Section
12 531.0201, 531.02011, or 531.02012, as applicable,
13 means the commission or the division of the commission
14 performing the function previously performed by the
15 state agency or entity before the transfer, as
16 appropriate:

- 17 (1) health and human services agency;
- 18 (2) the Department of State Health
19 Services;
- 20 (3) the Department of Aging and Disability
21 Services;
- 22 (4) the Department of Family and
23 Protective Services; or
- 24 (5) the Department of Assistive and
25 Rehabilitative Services.

26 (b) In this code or in any other law and
27 notwithstanding any other law, a reference to any of
28 the following state agencies or entities in relation
29 to a function transferred to the commission under
30 Section 531.0201, 531.02011, or 531.02012, as
31 applicable, from the state agency that assumed the
32 relevant function in accordance with Chapter 198 (H.B.
33 2292), Acts of the 78th Legislature, Regular Session,
34 2003, means the commission or the division of the
35 commission performing the function previously
36 performed by the agency that assumed the function
37 before the transfer, as appropriate:

- 38 (1) the Texas Department on Aging;
- 39 (2) the Texas Commission on Alcohol and
40 Drug Abuse;
- 41 (3) the Texas Commission for the Blind;
- 42 (4) the Texas Commission for the Deaf and
43 Hard of Hearing;
- 44 (5) the Texas Department of Health;
- 45 (6) the Texas Department of Human
46 Services;
- 47 (7) the Texas Department of Mental Health
48 and Mental Retardation;
- 49 (8) the Texas Rehabilitation Commission;
- 50 (9) the Texas Health Care Information
51 Council; or
- 52 (10) the Interagency Council on Early
53 Childhood Intervention.

54 (c) In this code or in any other law and
55 notwithstanding any other law, a reference to the
56 Department of Protective and Regulatory Services in
57 relation to a function transferred under Section
58 531.0201, 531.02011, or 531.02012, as applicable, from
59 the Department of Family and Protective Services means
60 the commission or the division of the commission
61 performing the function previously performed by the

1 Department of Family and Protective Services before
2 the transfer.

3 (d) This section applies notwithstanding
4 Section 531.001(4).

5 Revisor's Note

6 (1) Sections 531.0011(a), (b), and (c),
7 Government Code, refer to a function transferred under
8 Section 531.0201, 531.02011, or 531.02012 of that
9 code, each of which provides for the transfer of
10 certain functions from health and human services
11 agencies to the Health and Human Services Commission.
12 Because Sections 531.0201, 531.02011, and 531.02012
13 expire on September 1, 2023, the revised law adds "as
14 those sections existed immediately before their
15 expiration on September 1, 2023," following each
16 reference to those sections for clarity after
17 September 1, 2023.

18 (2) Sections 531.0011(a) and (c), Government
19 Code, provide that references to the Department of
20 Family and Protective Services and the Department of
21 Protective and Regulatory Services, respectively, as
22 they relate to functions transferred from the
23 Department of Family and Protective Services to the
24 Health and Human Services Commission under Sections
25 531.0201, 531.02011, and 531.02012, Government Code,
26 mean the commission or a division of the commission.
27 Sections 531.0201, 531.02011, and 531.02012 were
28 enacted in 2015 by Chapter 837 (S.B. 200), Acts of the
29 84th Legislature, Regular Session. In 2017, Chapter
30 316 (H.B. 5), Acts of the 85th Legislature, Regular
31 Session, retransferred to the department certain
32 powers and duties previously transferred to the
33 commission by Chapter 837 in 2015. For accuracy, the
34 revised law adds language to the department references
35 to clarify that the transfer and performance of
36 certain functions transferred by Chapter 837 in 2015

1 have been superseded by transfers of the functions
2 made by Chapter 316 in 2017.

3 Revised Law

4 Sec. 521.0003. REFERENCES IN LAW MEANING EXECUTIVE
5 COMMISSIONER, EXECUTIVE COMMISSIONER'S DESIGNEE, OR DIVISION
6 DIRECTOR. (a) A reference in any law to any of the following
7 persons in relation to a function transferred to the commission
8 under Section 531.0201, 531.02011, or 531.02012, as those sections
9 existed immediately before their expiration on September 1, 2023,
10 means the executive commissioner, the executive commissioner's
11 designee, or the director of the division of the commission
12 performing the function previously performed by the state agency
13 from which the function was transferred and that the person
14 represented, as appropriate:

15 (1) the commissioner of aging and disability services;

16 (2) the commissioner of assistive and rehabilitative
17 services;

18 (3) the commissioner of state health services; or

19 (4) subject to Chapter 316 (H.B. 5), Acts of the 85th
20 Legislature, Regular Session, 2017, the commissioner of the
21 Department of Family and Protective Services.

22 (b) Notwithstanding any other law and subject to Chapter 316
23 (H.B. 5), Acts of the 85th Legislature, Regular Session, 2017, a
24 reference in any law to any of the following persons or entities in
25 relation to a function transferred to the commission under Section
26 531.0201, 531.02011, or 531.02012, as those sections existed
27 immediately before their expiration on September 1, 2023, from the
28 state agency that assumed or continued to perform the function in
29 accordance with Chapter 198 (H.B. 2292), Acts of the 78th
30 Legislature, Regular Session, 2003, means the executive
31 commissioner or the director of the division of the commission
32 performing the function performed before the enactment of Chapter
33 198 (H.B. 2292) by the state agency that was abolished or renamed by
34 Chapter 198 (H.B. 2292) and that the person or entity represented:

1 (1) an executive director or other chief
2 administrative officer of a state agency listed in Section
3 521.0002(c) or of the Department of Protective and Regulatory
4 Services; or

5 (2) the governing body of a state agency listed in
6 Section 521.0002(c) or of the Department of Protective and
7 Regulatory Services.

8 (c) A reference to any of the following councils means the
9 executive commissioner or the executive commissioner's designee,
10 as appropriate, and a function of any of the following councils is a
11 function of that appropriate person:

12 (1) the Health and Human Services Council;

13 (2) the Aging and Disability Services Council;

14 (3) the Assistive and Rehabilitative Services
15 Council;

16 (4) subject to Chapter 316 (H.B. 5), Acts of the 85th
17 Legislature, Regular Session, 2017, the Family and Protective
18 Services Council; or

19 (5) the State Health Services Council. (Gov. Code,
20 Sec. 531.0012.)

21 Source Law

22 Sec. 531.0012. REFERENCES IN LAW MEANING
23 EXECUTIVE COMMISSIONER OR DESIGNEE. (a) In this code
24 or in any other law, a reference to any of the
25 following persons in relation to a function
26 transferred to the commission under Section 531.0201,
27 531.02011, or 531.02012, as applicable, means the
28 executive commissioner, the executive commissioner's
29 designee, or the director of the division of the
30 commission performing the function previously
31 performed by the state agency from which it was
32 transferred and that the person represented, as
33 appropriate:

34 (1) the commissioner of aging and
35 disability services;

36 (2) the commissioner of assistive and
37 rehabilitative services;

38 (3) the commissioner of state health
39 services; or

40 (4) the commissioner of the Department of
41 Family and Protective Services.

42 (b) In this code or in any other law and
43 notwithstanding any other law, a reference to any of
44 the following persons or entities in relation to a
45 function transferred to the commission under Section
46 531.0201, 531.02011, or 531.02012, as applicable, from

1 the state agency that assumed or continued to perform
2 the function in accordance with Chapter 198 (H.B.
3 2292), Acts of the 78th Legislature, Regular Session,
4 2003, means the executive commissioner or the director
5 of the division of the commission performing the
6 function performed before the enactment of Chapter 198
7 (H.B. 2292) by the state agency that was abolished or
8 renamed by Chapter 198 (H.B. 2292) and that the person
9 or entity represented:

10 (1) an executive director or other chief
11 administrative officer of a state agency listed in
12 Section 531.0011(b) or of the Department of Protective
13 and Regulatory Services; or

14 (2) the governing body of a state agency
15 listed in Section 531.0011(b) or of the Department of
16 Protective and Regulatory Services.

17 (c) A reference to any of the following councils
18 means the executive commissioner or the executive
19 commissioner's designee, as appropriate, and a
20 function of any of the following councils is a function
21 of that appropriate person:

22 (1) the Health and Human Services Council;
23 (2) the Aging and Disability Services
24 Council;

25 (3) the Assistive and Rehabilitative
26 Services Council;

27 (4) the Family and Protective Services
28 Council; or

29 (5) the State Health Services Council.

30 Revisor's Note

31 (1) Sections 531.0012(a) and (b), Government
32 Code, refer to a function transferred under Section
33 531.0201, 531.02011, or 531.02012 of that code, each
34 of which provides for the transfer of certain
35 functions from health and human services agencies to
36 the Health and Human Services Commission. The revised
37 law adds "as those sections existed immediately before
38 their expiration on September 1, 2023," following each
39 reference to those sections for the reason stated in
40 Revisor's Note (1) to Section 521.0002 of this chapter.

41 (2) Sections 531.0012(a), (b), and (c),
42 Government Code, provide that references to certain
43 persons, entities, and councils associated with the
44 Department of Family and Protective Services as they
45 relate to certain department functions mean the
46 executive commissioner of the Health and Human
47 Services Commission, the executive commissioner's
48 designee, or a director of a commission division. The

1 revised law adds language to those department
2 references for the reason stated in Revisor's Note (2)
3 to Section 521.0002 of this chapter.

4 Revised Law

5 Sec. 521.0004. REFERENCES IN LAW TO PROVISIONS DERIVED FROM
6 FORMER CHAPTER 531. A reference in any law to "revised provisions
7 derived from Chapter 531, as that chapter existed on March 31,
8 2025," is a reference to the following:

9 (1) Sections _____ [[[all sections derived from
10 Chapter 531 that cannot be cited as a subchapter or chapter in its
11 entirety]]];

12 (2) Subchapter _____, Chapter _____ [[[all subchapters
13 derived entirely from Chapter 531 that cannot be cited as a chapter
14 in its entirety]]]; and

15 (3) Chapters _____ [[[all chapters derived entirely
16 from Chapter 531]]]. (New.)

17 Revisor's Note

18 Various provisions of Subtitle I, Title 4,
19 Government Code, and other laws contain references to
20 Chapter 531, Government Code, or to "this chapter,"
21 meaning Chapter 531. See, e.g., Sections 531.004 and
22 531.033, Government Code, referring to "this chapter,"
23 meaning Chapter 531, and Section 31.0127(b), Human
24 Resources Code, referring to Chapter 531. Provisions
25 of Chapter 531 are revised throughout Subtitle I,
26 Title 4, along with other provisions that are not
27 derived from Chapter 531. Because of this, in each
28 occurrence of a source law reference to Chapter 531,
29 the revised law would need to contain an exhaustive
30 list of every provision derived from the chapter,
31 making the law cumbersome and difficult to read. For
32 clarity and the convenience of the reader, the revised
33 law adds Section 521.0004, Government Code, listing
34 each provision of the revised law that is derived from

1 Chapter 531 and stating that a reference in law to the
2 "revised provisions derived from Chapter 531, as that
3 chapter existed on March 31, 2025," means the
4 provisions specified in that list.